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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,873	09/22/2003	Hideo Tamamura	03560.003356.	4235
5514	7590	11/03/2008		
FITZPATRICK CELLA HARPER & SCINTO			EXAMINER	
30 ROCKEFELLER PLAZA			HODGE, ROBERT W	
NEW YORK, NY 10112			ART UNIT	PAPER NUMBER
			1795	
MAIL DATE		DELIVERY MODE		
11/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/664,873	<b>Applicant(s)</b> TAMAMURA ET AL.
	<b>Examiner</b> ROBERT HODGE	<b>Art Unit</b> 1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 8 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, see Remarks, filed 8/22/08, and the Official English Translation of the Foreign Priority Document, filed 9/5/08, with respect to the rejection of claim 8 as being obvious over Shioya have been fully considered and are persuasive. The rejection of claim 8 as being obvious over Shioya has been withdrawn.

The remainder of applicant's arguments filed 8/22/08 have been fully considered but they are not persuasive. The main premise of applicants' arguments is that Bullock does not teach a "detecting switch on the mounting unit for detecting the mounting of the fuel cell" and Dunstan does not make up for the supposed deficiency of Bullock. As can be seen in figure 3 of Bullock, the fuel cartridge 132 (i.e. mounting unit) has a fuel outlet connector 152, wherein the interior structure of 152 is shown in figures 4 and 5 to contain a spring loaded valve. In figure 4, the spring loaded valve is closed because the fuel cell is not attached (i.e. not present) to the mounting unit and in figure 5 the spring loaded valve is open because the fuel cell is attached (i.e. present) and therefore the spring loaded valve structure inside of the fuel outlet connector 152 reads on the recitation of a "detecting switch on the mounting unit for detecting the mounting of the fuel cell" and the rejection will be maintained.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bullock et al. (US 6,713,201 B2) in view of Dunstan (US 2003/0096144 A1).

Bullock et al. teach a fuel cell system comprising a fuel cell stack (128) and a fuel supply apparatus (132), wherein the access to the fuel supply unit and the water-discharging unit is disposed at the same face of the fuel cell and the fuel supply apparatus comprising a fuel supply unit (142) and a water-suctioning unit (144) (vacuum). Bullock et al. further teach the header information stored by the information storage device will be accessed by the system controller after the PDA has been initiated (e.g., powered up or reset) with a fuel cartridge present within the fuel cell housing socket. The data structure parameter will be accessed prior to the keying information. In the instance where the keying information stored on the information storage device indicates that the fuel cartridge corresponds to the requirements of the host device, operating will be permitted. If, on the other hand, the keying information indicates that the fuel cartridge is wholly unacceptable, fuel transfer/cell operation will be prevented and the user will receive an audible and/or visibly message concerning the situation. Also, the fuel cell stack (128) is connected to various electrical loads such as the display (114) and system controller (126). The absence of the fuel cell stack from the device will necessarily be detected by the display and controller due to lack of power. See Figure 3, Column 3, Line 45 to Column 4, Lines 34, Column 6, Line 57 to Column 7, Line 12. Furthermore regarding the recitation of a "detecting switch on the mounting unit for detecting the mounting of the fuel cell", as can be seen in figure 3, Bullock teaches that the fuel cartridge 132 (i.e. mounting unit) has a fuel outlet connector

152 on the mounting unit, wherein the interior structure of 152 is shown in figures 4 and 5 to contain a spring loaded valve. In figure 4, the spring loaded valve is closed because the fuel cell is not attached (i.e. not present) to the mounting unit and in figure 5 the spring loaded valve is open because the fuel cell is attached (i.e. present) and therefore the spring loaded valve structure inside of the fuel outlet connector 152 reads on the recitation of a "detecting switch on the mounting unit for detecting the mounting of the fuel cell" especially since in figure 5 the fuel will be allowed to flow to the fuel cell when the fuel cell is present (i.e. attached to the fuel cartridge).

Bullock et al. do not teach or suggest the water-suctioning unit includes an evaporator that provides heat to the suctioned water.

Dunstan teaches a system to remove heat and water from a fuel cell-powered portable electronic device. The system comprises a water-absorbing material and a heat-generating device (16) that facilitates the evaporation of the water byproduct. See Paragraphs 19,25, Figures 1a-1c.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a heat-generating device in the fuel cell system of Bullock et al., as taught by Dunstan in order to facilitate the evaporation of byproduct water collected in the system.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HODGE whose telephone number is (571)272-2097. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1795

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. H./  
Examiner, Art Unit 1795

/Jonathan Crepeau/  
Primary Examiner, Art Unit 1795